

**§ 58-58-335. Definitions.**

As used in this Part:

- (1) "Active duty" means full-time duty in the active military service of the United States and includes service by members of the reserve component (National Guard and Reserve) while serving under published orders for active duty or full-time training. "Active duty" does not include service by members of the reserve component who are performing active duty or active duty for training under military calls or orders specifying periods of less than 31 calendar days.
- (1a) "Armed Forces" means all components of the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.
- (2) "Department of Defense personnel" means all active duty service members and all civilian employees, including nonappropriated fund employees and special government employees, of the Department of Defense.
- (3) "Door to door" means a solicitation or sales method whereby an insurance producer proceeds randomly or selectively from household to household without prior specific appointment.
- (4) "General advertisement" means an advertisement having as its sole purpose the promotion of the reader's or viewer's interest in the concept of insurance or the promotion of the insurer or the insurance producer.
- (5) "Insurance producer" means a person required to be licensed under Article 33 of this Chapter to sell, solicit, or negotiate life insurance, including annuities.
- (6) "Insurer" means an insurance company required to be licensed under this Chapter to provide life insurance products, including annuities.
- (7) "Known" or "knowingly" means, depending on its use in this Part, the insurance producer or insurer had actual awareness, or in the exercise of ordinary care should have known, at the time of the act or practice complained of, that the person solicited is or was:
  - a. A service member; or
  - b. A service member with a pay grade of E-4 or below.
- (8) "Life insurance" means insurance coverage on human lives, including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income; and unless otherwise specifically excluded, includes individually issued annuities.
- (9) "Military installation" means any federally owned, leased, or operated base, reservation, post, camp, building, or other facility to which service members are assigned for duty, including barracks, transient housing, and family quarters.
- (10) "MyPay" means the Defense Finance and Accounting Service (DFAS) Web-based system that enables service members to process certain discretionary pay transactions or provide updates to personal information data elements without using paper forms.
- (11) "Service member" means any active duty commissioned officer, any active duty warrant officer, or any active duty enlisted member of the Armed Forces.
- (12) "SGLI" means Servicemembers' Group Life Insurance, as authorized by 38 U.S.C. § 1965, et seq.

- (13) "Side fund" means a fund or reserve that is part of or otherwise attached to a life insurance policy (excluding individually issued annuities) by rider, endorsement, or other mechanism that accumulates premium or deposits with interest or by other means. "Side fund" does not include:
  - a. Accumulated value or cash value or secondary guarantees provided by a universal life policy;
  - b. Cash values provided by a whole life policy which are subject to standard nonforfeiture law for life insurance; or
  - c. A premium deposit fund that:
    - 1. Contains only premiums paid in advance that accumulate at interest.
    - 2. Imposes no penalty for withdrawal.
    - 3. Does not permit funding beyond future required premiums.
    - 4. Is not marketed or intended as an investment.
    - 5. Does not carry a commission, either paid or calculated.
- (14) "Specific appointment" means a prearranged appointment agreed upon by both parties and definite as to place and time.
- (15) Repealed by Session Laws 2011-183, s. 46, effective June 20, 2011.
- (16) "VGLI" means Veterans' Group Life Insurance, as authorized by 38 U.S.C. § 1965, et seq. (2007-535, s. 1; 2011-183, s. 46.)